

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SONITHA SCALES, ALICIA THOMAS,
STEPHEN MCNUTT, JEFF PORTER, &
PAUL SIMONE, individually, and on behalf
of all other similarly situated individuals,

Plaintiffs,

v.

JAY MCGRAW; ERIC WELCH;
CREDITSERVE, INC.; MINTO FINANCIAL,
d/b/a MINTO MONEY; and JOHN DOES 1-
10,

Defendants.

Case No. 1:24-cv-11575

Judge: Hon. Manish S. Shah

**DEFENDANTS' UNOPPOSED MOTION TO SEAL THE AMENDED COMPLAINT
AND FOR LEAVE TO FILE A REDACTED VERSION**

Defendants Jay McGraw, Eric Welch, CreditServe, Inc., and Minto Financial (“Defendants”) hereby respectfully submit this **unopposed** motion to seal the first amended complaint (*see* Dkt. 23, “Amended Complaint”) and for leave to refile a redacted version pursuant to LCR 26.2. Good cause exists to grant the motion.

1. Plaintiffs filed the Amended Complaint in this matter on January 15, 2025. The Amended Complaint added the private residential address of one of the Defendants, which did not appear in the original Complaint. *Compare* Dkt. 23 ¶ 20, *with* Dkt. 1 ¶ 18.

2. Undersigned (Paul Heeringa) alerted counsel for Plaintiffs about the inclusion of one of the Defendant’s private residential address within hours after the Amended Complaint was filed.

3. On January 15 and 21, 2025, undersigned counsel conferred with counsel for Plaintiffs regarding this Motion prior to its filing. Counsel for Plaintiffs indicated in writing that

Plaintiffs have no objection to and do not oppose this Motion.

4. Under Local Civil Rule 26.2, “[t]he court may for good cause shown enter an order directing that one or more documents be filed under seal.” Good causes exists to grant this Motion.

5. The publication of one of the Defendant’s personal information creates an unnecessary safety and security risk for that Defendant and the Defendant’s family.

6. The United States Court of Appeals for the Seventh Circuit has held that the presumption of public access to does not extend to matters involving personal privacy. *See Goessel v. Boley Int’l (H.K.) Ltd.*, 738 F.3d 831, 833 (7th Cir. 2013) (“[T]he presumption of public access ‘applies only to the materials that formed the basis of the parties’ dispute and the district court’s resolution’; other materials that may have crept into the record are not subject to the presumption.” (quoting *Baxter Int’l, Inc. v. Abbot Labs.*, 297 F.3d 544, 548 (7th Cir. 2002))).

7. Further, Defendants seek leave for Plaintiffs to refile Dkt. 23 with only the residential address in paragraph 20 of the Amended Complaint redacted; the Amended Complaint would otherwise remain the same and be viewable by the public. The proposed redaction to the Amended Complaint is annexed to this Motion as **Exhibit A**.

8. Since the material proposed to be redacted does not form the basis of the parties’ dispute, and because Plaintiffs have indicated that they do not oppose this motion, granting the motion will not result in prejudice to anyone.

9. Thus, good cause exists for granting this Motion.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court enter an Order (i) sealing the Amended Complaint in this action (*see* Dkt. 23); and (ii) granting Plaintiffs leave to file the partially redacted version of the Amended Complaint annexed to this Motion as Exhibit A. A proposed order will also be submitted to chambers.

Dated: January 21, 2025

Respectfully submitted,

By: /s/ A. Paul Heeringa

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*Counsel for Defendants Jay McGraw,
Eric Welch, and CreditServe, Inc.*

Dated: January 21, 2025

Respectfully submitted,

By: /s/ Thomas J. McDonell (with permission)

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Counsel for Defendant Minto Financial

CERTIFICATE OF SERVICE

I hereby certify that, on January 21, 2025, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket.

/s/ A. Paul Heeringa
A. Paul Heeringa